



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,913	03/01/2002	Thomas Matthews	378775.0005	7140
4372	7590	09/14/2007		
ARENT FOX LLP 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			EXAMINER JEAN GILLES, JUDE	
			ART UNIT 2143	PAPER NUMBER
			NOTIFICATION DATE 09/14/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DCIPDocket@arentfox.com
IPMatters@arentfox.com
Patent_Mail@arentfox.com

Office Action Summary

Application No.

10/084,913

Applicant(s)

MATTHEWS ET AL.

Examiner

Jude J. Jean-Gilles

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22,24-26,28-30,32-37 and 39-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22,25,26,28-30,33-37 and 40-46 is/are rejected.
- 7) ☐ Claim(s) 24,32 and 39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Action is in regards to the Reply received on 06/18/2007.

Response to Amendment/Arguments

1. In the claims, 22,24-26,28-30,32-37 and 39-46 remain pending in the application with claims 22, 29, 30, and 37 amended and claims 1-21, 23, 27, 31 and 38 cancelled. Claims 44-46 are newly added herein. Claims 1-46 represent a method and apparatus for an "LAN SWITCHING METHOD AND LAN SWITCH."

Applicant's arguments with respect amended and new claims have been carefully considered, but are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the new ground of rejection as explained here below. Applicants' amendments to the independent claims are not properly made and as to perhaps place them in condition for allowance.

The dependent claims stand rejected as articulated in the Previous Office Action and all objections not addressed in Applicant's response are herein reiterated.

In response to Applicant's arguments, 37 CFR § 1.11(c) requires applicant to "clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. He or she must show the amendments avoid such references or objections."

Applicant's Request for Reconsideration filed on 04/25/2007 has been carefully considered but is not deemed fully persuasive.

Art Unit: 2143

Examiner applicant has failed in presenting claims and drawings that delineate the contours of this invention as compared to the cited prior art. Applicant has failed to clearly point out patentable novelty in view of the state of the art disclosed by the references cited that would overcome the 103(a) rejections applied against the claims, the rejection is therefore sustained.

Allowable Subject Matter

2. **Claims 24, 32, and 39** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 22,25,26,28-30,33-37 and 40-46** are rejected under 35 U.S.C. 103(a) as being unpatentable over Mann et al (Mann), Patent No. 6,654,801 B2 in view of Champlin et al (hereinafter Champlin) U.S. Patent No. 6,519,635 B1.

Regarding claim 22: Mann discloses the invention substantially as claimed.

Mann discloses a method for remote response and resolution of network and system failures, the method comprising:

upon receiving notification of a network or system failure, obtaining secure access to a client network infrastructure from a remote device (column 2, lines 50-67; column 3, lines 15-31; column 8, lines 56-67) the client network infrastructure including a network management server (column 5, lines 54-67);

transmitting a remote device message to the network management server, the message comprising at least one instruction (column 6, lines 1-12; column 8, lines 3-27, 56-67);

at the network management server, translating each instruction into a series of commands that are executable against multiple network components (column 6, lines 1-12; column 8, lines 3-27, 56-67); and
identifying and providing a resolution to the network or system failure (column 9, lines 5-35); However, Mann appears not to disclose the details of a method wherein translating occurs via an updatable table that contains each instruction and the series of commands corresponding to the instruction.

In the same field of endeavor, Champlin discloses a technique that show how to use a translating table that match commands to instructions. Champlain teaches "...*The method includes* [see Champlin, fig. 4, item 70; see also abstract; see column 4, lines 65-67; column 5, lines 1-11]. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have

incorporated Champlin teachings of using a translation table to map system commands with instructions with the teachings of Mann, so that "*database records can efficiently be manipulated in a data management system*". See Champlin, column 3, lines 55-67. By this rationale, **claim 22** is rejected.

23. (Cancelled)

Regarding **claim 24**, The combination Mann-Champlin discloses the method of claim 22, further comprising:

transmitting to the network management server the remote device message in a first format (see Mann; column 5, lines 41-67; column 6, lines 1-12);
converting the remote device message to a second format compatible with a network management protocol (see Champlin; column 5, lines 41-67; column 6, lines 1-12); and
transmitting a message in the second format to at least one network component (see Champlin; column 6, lines 1-12; column 8, lines 3-27, 56-67).

Regarding **claim 25**, The combination Mann-Champlin discloses the method of claim 22, wherein the remote device message is a network command (see Champlin; column 4, lines 53-67; column 5, lines 1-40).

Regarding **claim 26**, The combination Mann-Champlin discloses the method of claim 22, wherein the remote device message is encrypted, the method further comprising:

decrypting the message (see Mann; column 4, lines 53-67; column 5, lines 1-40; also note that the concept of encrypting and decrypting is inherent to most integration systems when integrating applications from diverse protocols).

27. (Cancelled)

Regarding **claim 28**, The combination Mann-Champlin discloses the method of claim 22, further comprising:

receiving registration information, the registration information including user information and remote device information, wherein the registration information is usable in authenticating the remote device prior to communicating with the remote device (see Mann; column 9, lines 6-53).

Regarding **claim 29**, The combination Mann-Champlin discloses a method for remote response and resolution of network and system failures, the method comprising: upon receiving notification of a network or system failure, obtaining secure access to a client network infrastructure from a remote device (see Mann; column 2, lines 50-67; column 8, lines 56-67); the client network infrastructure including a network management server;

transmitting a remote device message to the network management server, the message comprising at least one instruction (see Mann; column 6, lines 1-12; column 8, lines 3-27, 56-67);

at the network management server, translating each instruction into a series of commands that are executable against multiple network components, wherein translating occurs via an updatable mapping table that contains each instruction and the

series of commands corresponding to the instruction (see Mann; column 6, lines 1-12; column 8, lines 3-27, 56-67); and

identifying and providing a resolution to the network or system failure (see Mann; column 9, lines 5-35);

wherein translating occurs via an updatable table that contains each instruction and the series of commands corresponding to the instruction (see Champlin; column 6, lines 1-12; column 8, lines 3-27, 56-67).

Regarding **claim 30**, The combination Mann-Champlin discloses the tool for remote response and resolution of network and system failures, the tool comprising;

means for obtaining secure access to a client network infrastructure from a remote device upon receiving notification of a network or system failure(see Mann; column 2, lines 50-67; column 8, lines 56-67) the client network infrastructure including a network management server;

means for transmitting a remote device message to the network management server, the message comprising at least one instruction (see Mann; column 6, lines 1-12; column 8, lines 3-27, 56-67);

translating means for translating each instruction into a series of commands that are executable against multiple network components (see Mann; column 6, lines 1-12; column 8, lines 3-27, 56-67);and

means for identifying and providing a resolution to the network or network failure (see Mann; column 9, lines 5-35);

wherein translating occurs via an updatable table that contains each instruction and the series of commands corresponding to the instruction (see Champlin; column 6, lines 1-12; column 8, lines 3-27, 56-67).

31. (cancelled)

Regarding **claim 32**, The combination Mann-Champlin discloses the tool of claim 30, further comprising:
first transmitting means for transmitting to the network management server the remote device message in a first format (see Mann; column 5, lines 41-67; column 6, lines 1-12);
means for converting the remote device message to a second format compatible with a network management protocol', and
second transmitting means for transmitting a message in the second format to at least one network component (see Mann; column 6, lines 1-12; column 8, lines 3-27, 56-67).

Regarding **claim 33**, The combination Mann-Champlin discloses the tool of claim 30, wherein the remote device message is a network command (see Mann; column 4, lines 53-67; column 5, lines 1-40).

Regarding **claim 34**, The combination Mann-Champlin discloses the tool of claim 30, wherein the remote device message is encrypted, the tool further comprising:

means for decrypting the message (see Mann; column 4, lines 53-67; column 5, lines 1-40; also note that the concept of encrypting and decrypting is inherent to most integration systems when integrating applications from diverse protocols).

Regarding **claim 35**, The combination Mann-Champlin discloses the tool of claim 30, wherein the remote device is selected from a group consisting of a clientless wireless device, a session based wireless device, a paging wireless device, and an email-based wireless device (see Mann; fig. 3, items 68-76).

Regarding **claim 36**, The combination Mann-Champlin discloses the tool of claim 30, further comprising:
means for receiving registration information, the registration information including user information and remote device information, wherein the registration information is usable in authenticating the remote device prior to communicating with the remote device (see Mann; column 9, lines 6-53).

Regarding **claim 37**, The combination Mann-Champlin discloses a computer program product comprising a computer usable medium having control logic stored therein for causing a computer to remotely respond to and resolve network and system failures, the control logic comprising:

first computer readable program code means for obtaining secure access to a client network infrastructure from a remote device upon receiving notification of a network or network failure (see Mann; column 2, lines 50-67; column 8, lines 56-67) the client network infrastructure including a network management server;

second computer readable program code means for transmitting a remote device

message to the network management server, the message comprising at least one instruction (see Mann; column 6, lines 1-12; column 8, lines 3-27, 56-67);
third computer readable program code means for translating each instruction into a series of commands that are executable against multiple network components (see Mann; column 6, lines 1-12; column 8, lines 3-27, 56-67); and
fourth computer readable program code means for identifying and providing a resolution to the network or tool failure (see Mann; column 9, lines 5-35);

wherein the third computer readable program code means comprises an updatable table that contains each instruction and the series of commands corresponding to the instruction (see Champlin; column 6, lines 1-12; column 8, lines 3-27, 56-67).

38. (cancelled)

Regarding **claim 39**, The combination Mann-Champlin discloses the computer program product of claim 37, further comprising:

fifth computer readable program code means for transmitting to the network management server the remote device message in a first format (see Mann; column 5, lines 41-67; column 6, lines 1-12);

sixth computer readable program code means for converting the remote device message to a second format compatible with a network management protocol (see Mann; column 5, lines 41-67; column 6, lines 1-12); and

seventh computer readable program code means for transmitting a message in

the second format to at least one network component (see Mann; column 6, lines 1-12; column 8, lines 3-27, 56-67).

Regarding **claim 40**, The combination Mann-Champlin discloses the computer program product of claim 37, wherein the remote device message is a network command (see Mann; column 4, lines 53-67; column 5, lines 1-40).

Regarding **claim 41**, The combination Mann-Champlin discloses the computer program product of claim 37, wherein the remote device message is encrypted, the computer program product further comprising:
fifth computer readable program code means for decrypting the message (see Mann; column 4, lines 53-67; column 5, lines 1-40; also note that the concept of encrypting and decrypting is inherent to most integration systems when integrating applications from diverse protocols).

Regarding **claim 42**, The combination Mann-Champlin discloses the computer program product of claim 37, wherein the remote device is selected from a group consisting of a clientless wireless device, a session based wireless device, a paging wireless device, and an email-based wireless device (see Mann; fig. 3, items 68-76).

Regarding **claim 43**, The combination Mann-Champlin discloses the method of claim 22, further comprising naming the series of commands; and providing the named series of commands as a menu item at the remote device; wherein selection of the menu item at the remote device results in execution of the series of commands at the network management server [see Flores; column 2, lines 48-67; column 6, lines 26-40].

Regarding **claim 44**, The combination Mann-Champlin discloses method for remote response and resolution of network and system failures, the method comprising:

upon receiving a notification of detecting a network or system failure, obtaining secure access to a client network infrastructure from a remote device, the client network infrastructure including a network management server(see Mann; column 2, lines 50-67; column 3, lines 15-31; column 8, lines 56-67);

transmitting, in response to the notification, a first remote device message to the network management server, the first remote device message comprising at least one instruction (see Mann; column 6, lines 1-12; column 8, lines 3-27, 56-67);

at the network management server, translating each instruction into a series of commands that are executable against multiple network components (see Mann; column 6, lines 1-12; column 8, lines 3-27, 56-67); and

upon receiving a reply to the first remote device message from the network management server, transmitting a second remote device message to the network management server [see Champlin, fig. 4, item 70; see also abstract; see column 4, lines 65-67; column 5, lines 1-11].

Regarding **claim 45**, The combination Mann-Champlin discloses the method of claim 44, wherein, the second message comprises another one of the at least one instruction, the another one of the least one instruction initiating another program for the resolution of the network or system failure (see Champlin; abstract; column 7, lines 28-55).

Art Unit: 2143

Regarding **claim 46**, The combination Mann-Champlin discloses the method of claim 22, wherein the at least one instruction is a

macro (using instructions as macro is well known to an ordinary skill in the art).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-9000.


Jude Jean-Gilles

Patent Examiner

Art Unit 2143

JJG

September 03, 2007


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100